

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DARRELL HIPPE,

Plaintiff,

v.

ORDER

LIFE INSURANCE COMPANY OF NORTH  
AMERICA, and CONTI-GROUP  
COMPANIES,

02-CV-0086 (ILG)

Defendants.

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GLASSER, United States District Judge:

Although no motion is presently before the Court, in light of the arguments which the parties made to the Court at oral argument, it will treat the parties' recent submissions as a motion for reconsideration of this Court's Memorandum and Order dated July 31, 2003 denying the parties' cross-motions for summary judgment. The motion for reconsideration is denied for the same reasons the parties' cross-motions for summary judgment were denied as stated in the July 31, 2003 Memorandum and Order. The only way the Court can meaningfully and fairly resolve the disputed claims is by hearing sworn testimony by the relevant witnesses, which in this case it would appear are witnesses who can testify to whether or not the plaintiff's alleged mental disability prevents him from performing his job. The plaintiff's mental ability cannot be determined on the basis of the papers submitted to the Court.

SO ORDERED.

Dated: November 15, 2005  
Brooklyn, New York

/s/

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I. Leo Glasser  
United States District Judge

Copies of the foregoing were sent on this day to:

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